

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

**Rule making related to mandatory child abuse and
dependent adult abuse identification and reporting training**

The Board of Physical and Occupational Therapy hereby amends Chapter 200, “Licensure of Physical Therapists and Physical Therapist Assistants,” and Chapter 206, “Licensure of Occupational Therapists and Occupational Therapy Assistants,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e” and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse identification and reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse identification and reporting to reflect the statutory changes and requires that licensees who must make reports for child or dependent adult abuse comply with the training requirements provided in Iowa Code sections 232.69 and 235B.16 every three years.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 4, 2019, as **ARC 4785C**. A public hearing was held on January 6, 2020, at 9 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on March 13, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 200.9(4) as follows:

200.9(4) Mandatory reporter training requirements.

a. A licensee who ~~in the scope of professional practice regularly examines, attends, counsels or treats children in Iowa~~ is required by Iowa Code section 232.69 to report child abuse shall indicate on the renewal application completion of ~~two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous five~~ three years ~~or~~ or condition(s) for waiver of this requirement as identified in paragraph "e."

b. A licensee who ~~in the scope of professional practice regularly examines, attends, counsels or treats adults in Iowa~~ is required by Iowa Code section 235B.3 or 235E.2 to report dependent adult abuse shall indicate on the renewal application completion of ~~two hours of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "e."

c. A licensee who ~~in the scope of professional practice regularly examines, attends, counsels or treats both adults and children in Iowa~~ shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirements as identified in paragraph "e."

Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.

d. The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

f. The board may select licensees for audit of compliance with the requirements in paragraphs "a" to "e."

ITEM 2. Amend subrule 206.10(4) as follows:

206.10(4) Mandatory reporter training requirements.

a. A licensee who ~~in the scope of professional practice regularly examines, attends, counsels or treats children in Iowa~~ is required by Iowa Code section 232.69 to report child abuse shall indicate on the renewal application completion of ~~two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "e."

b. A licensee who ~~in the scope of professional practice regularly examines, attends, counsels or treats adults in Iowa~~ is required by Iowa Code section 235B.3 or 235E.2 to report dependent adult abuse shall indicate on the renewal application completion of ~~two hours of training in dependent adult abuse~~

identification and reporting as required by Iowa Code section 235B.16(5) “b” in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph “e.”

~~c. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”~~

~~Training may be completed through separate courses as identified in paragraphs “a” and “b” or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

~~d. The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs “a” to “c,” including program date(s), content, duration, and proof of participation.~~

~~e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:~~

~~(1) Is engaged in active duty in the military service of this state or the United States.~~

~~(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.~~

~~f. The board may select licensees for audit of compliance with the requirements in paragraphs “a” to “e.”~~

[Filed 3/17/20, effective 6/1/20]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/8/20.